

The Honorable Robert S. Lasnik

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

RSUI INDEMNITY COMPANY, INC.,

Plaintiff,

v.

VISION ONE, LLC, a Washington limited  
liability company; and BERG EQUIPMENT &  
SCAFFOLDING CO., INC., a Washington  
corporation,

Defendants.

NO. C08-1386RSL

DECLARATION OF TEENA M. KILLIAN  
IN SUPPORT OF VISION ONE'S  
MOTION TO PRECLUDE COLLATERAL  
ATTACK ON SUPERIOR COURT'S  
REASONABLENESS DETERMINATION

I, Teena M. Killian, say:

1. I am an attorney with Williams, Kastner & Gibbs and am counsel for Vision One, LLC, and Berg Equipment & Scaffolding Co., Inc.

2. Attached hereto as **Exhibit A** is a true and correct copy of Daniel Mullin's April 24, 2007 letter to Don Frye.

The foregoing statement is made under penalty of perjury under the laws of the State of Washington and is true and correct.

DECLARATION OF TEENA M. KILLIAN IN SUPPORT OF VISION ONE'S MOTION TO PRECLUDE COLLATERAL ATTACK ON SUPERIOR COURT'S REASONABLENESS DETERMINATION - 1 (C08-1386RSL)

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**Williams, Kastner & Gibbs PLLC**  
601 Union Street, Suite 4100  
Seattle, Washington 98101-2380  
(206) 628-6600

1 Signed at Seattle, Washington, this 13th day of August, 2009.

2 /s/Teena M. Killian, WSBA #15805  
3 Attorneys for Defendant Vision One, LLC  
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DECLARATION OF TEENA M. KILLIAN IN SUPPORT OF VISION  
ONE'S MOTION TO PRECLUDE COLLATERAL ATTACK ON  
SUPERIOR COURT'S REASONABLENESS DETERMINATION - 2  
(C08-1386RSL)

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# EXHIBIT A

# Mullin LawGroup PLLC

DANIEL F. MULLIN  
dmullin@mullinlawgroup.com

April 24, 2007

Don Frye  
RSUI Group, Inc.  
945 East Paces Ferry Road, Suite 1800  
Atlanta, GA 30326-1125

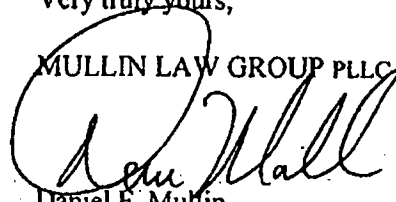
Re: Vision One v. Berg, et al  
Claimant: D&D, Inc. and Philadelphia Indemnity  
Insured: Berg Equipment & Scaffolding, Inc.  
Date of Loss: 10/01/05  
RSUI Claim No.: 7030010394

Dear Mr. Frye:

We were quite perplexed at receiving your April 18<sup>th</sup> email. As you know, I immediately wrote you back and asked you to send a copy of the letter you were referring to so we could respond. Attached is a copy of my email dated April 18, 2007 in response to yours. We have not heard a word from you. I dug through our file and located a June 5, 2006 letter from Mr. Senterfeit. This letter makes no mention of a need for any additional information. RSUI has been kept in the loop on this case, and you have also been involved in developing strategic decisions through the progress of the litigation. As defense counsel, I will not get involved in coverage matters between Berg and RSUI, but I do question the propriety of sending this email. If there is specific information that you would like from me in terms of defense of the underlying case, please let me know. If there are coverage issues you wish to address, those should be referred directly to Mr. Berg.

In the interim, we will keep you apprised of the developments in this litigation and assume that RSUI will be doing the right thing.

Very truly yours,

MULLIN LAW GROUP PLLC  
  
Daniel F. Mullin

Enclosures

cc: Randy Berg  
Stacy Baratti (Claim No. C114571)

RSUI 001784

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